

EXAMINER'S AMENDMENT

The response filed 2/17/2010 to the Office action has been entered. Claims 1-3, 8-9 and 28 are pending.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Debora Plehn-Dujowich on May 29, 2010.

2. The application has been amended as follows:

In claim 1(b), line 2, after "a biotinylated oligonucleotide", insert --that comprises an RNA polymerase promoter--.

In claim 1(b), line 12, delete --preferably--.

In claim 1(b), line 15, after "the selected epitope", insert --also--.

3. The following is an examiner's statement of reasons for allowance:

Concerning claims 1-3, 8-9 and 28, no prior art has been found teaching or suggesting a method for detecting molecules expressing a selected epitope in a sample with the steps as recited in claim 1.

The closest prior art is the reference of Eberwine et al. (5,922,553, issued Jul. 13, 1999) in view of Eberwine (7115371, issued Oct 3, 2006), Waggoner (5627027, issued May 6, 1997) and Sano et al. (5,665,539, issued Sep. 9, 1997). Eberwine et al. ('553) disclose a method which is for detecting a selected protein by immuno aRNA (See column, 2, lines, 37-50); Eberwine et

Art Unit: 1637

al. ('371) disclose a method for detecting molecules expressing a selected epitope in a sample (see column 2, lines 47-49) using a single chain Fv or CDR which contains a universal epitope such as hemagglutinin HA tag or polyhistidine tag (see column 8, lines 64-67) and the single chain Fv coupled with a ds-DNA is an epitope detector; Waggoner discloses that a cyanine dye can be attached to fragments of DNA or RNA to identify the presence and quantity of a specific nucleotide sequence in samples of DNA or RNA (See column 8, lines 51-56;) and Sano et al. disclose a linker which is a biotinylated nucleic acid marker cross-linked to biotinylated antibody by streptavidin or avidin (see column 4, lines 27-31). However, there is no motivation to combine these references in such way as to achieve the method as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joyce Tung whose telephone number is (571) 272-0790. The examiner can normally be reached on Monday - Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Horlick/
Primary Examiner, Art Unit 1637

/Joyce Tung/
Examiner, Art Unit 1637
May 29, 2010